

Application No. : 09/825,772  
Amdt. Dated : June 27, 2006  
Reply To O.A. Of : February 27, 2006

#### REMARKS

By way of summary, Claims 30-45 and 55-58 were pending in this application. In the present amendment, the Applicants have amended the Title, amended Claims 30, 32, 36, 38-39 and 45, and added new Claims 59-60. Accordingly, Claims 30-45 and 55-60 remain pending for consideration.

#### The Specification

The Applicants have amended the title according to the objection of the Examiner.

#### Objections To Claims 30, 32, 38-39, and 41.

The Office Action objected to Claims 30, 32, 38-39, and 41. In particular, the Office Action objected to Claims 32, 38-39, and 41 for using the phrases "at least one of .... and ... . " The Office Action correctly interpreted such language to designate alternative elements (as opposed to each element being required by the claim), and thus, the Applicants have amended each "and" to an "or". The Applicants also note that Claim 36 included the same issue, and the Applicants have corrected Claim 36 as well.

With respect to Claim 30, the Office Action objected to claim elements apparently through a misunderstanding of Claim 30. The Office Action questioned why after selection of a product, further selections are recited. In response, the Applicants first note that the order of recitation of method elements in a claim does not indicate, suggest, or require performance of method elements in any particular order. Moreover, as disclosed in an exemplary embodiment in the specification, once a consumer selects a particular topic, such as "Products," the consumer may further select from a number of specific subject areas related to that product. For example, Figure 5B illustrates exemplary subject areas that may be of interest to a consumer.

The forgoing is consistent with the present application's focus on matching specific consumer requests, or permissions, with specific content from providers, companies, retailers, manufacturers, or the like, thereby sparing the consumer from

Application No. : 09/825,772  
Amdt. Dated : June 27, 2006  
Reply To O.A. Of : February 27, 2006

receiving spam-type advertising or otherwise inundating the consumer with unwanted information. Thus, a subscription to determine when a particular type of a particular jeans pant reaches a particular price within a particular geographic boundary does not produce advertising for similar jeans pants from a competitor, or similar type of pants from the correct manufacturer, or the correct pants at higher prices, or the correct pants at the correct price but outside the desired zip code.

**Rejection Of Claims 30-34, 36-45 and 55-58 Under 35 U.S.C. § 102(e) Over Yost**

The Office Action rejected Claims 30-34, 36-45 and 55-58 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,154,766, issued to Yost et al. (the Yost patent). The Applicants respectfully traverse this rejection because the Yost patent fails to identically teach every element of the claim. See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim).

For example, independent Claims 30 and 55 each recite a method of consumer subscriptions to specific subject areas relating to products. In contrast, the Yost patent discloses a querying system for generating business reports from a data warehouse of business information. See for example, Col. 8:1-5 stating:

For example, if a service were specified to run the monthly sales totals for the Midwest region of a company every weekend and generate an alert to the supervisor on Monday morning if sales drop below 5%, then service generation module 46 would be responsible to monitor the schedule of this service to ensure that the report contained therein was processed over the weekend and then generate an alert report if the criteria set in the service is satisfied.

Accordingly, the Yost patent fails to identically teach or suggest each element of independent Claims 30 and 55. Thus, the Applicants respectfully submit that independent Claims 30 and 55 are allowable over the Yost patent. Similarly, dependent Claims 34, 36-45 and 56-58, which dependent from Claims 30 and 55, are allowable over the Yost patent because of their dependency and because of the additional elements recited therein.

Application No. : 09/825,772  
Amdt. Dated : June 27, 2006  
Reply To O.A. Of : February 27, 2006

**Rejection Of Claims 30-31, 35, and 40-41 Under 35 U.S.C. § 102(e) Over Wellner**

The Office Action rejected Claims 30-31, 35, and 40-41 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 5,640,193, issued to Wellner (the Wellner patent). The Applicants respectfully traverse this rejection because the Wellner patent fails to identically teach every element of the claim.

As discussed, independent Claims 30 and 55 each claim selection of product followed by subscription to specific subject areas. In contrast, the Wellner patent teaches scanning print media bar codes or alphanumeric IDs with a pen 11, communicating the information to an interface unit 13 and eventually a server 13, thereby causing the server 13 to provide multimedia services through a TV 16. Thus, Wellner teaches at most a single general product selection (passing the bar code).

Accordingly, the Wellner patent fails to identically teach or suggest each element of independent Claims 30 and 55. Thus, the Applicants respectfully submit that independent Claims 30 and 55 are allowable over the Wellner patent. Similarly, dependent Claims 34, 36-45 and 56-58, which dependent from Claims 30 and 55, are allowable over the Wellner patent because of their dependency and because of the additional elements recited therein.

**Rejection Of Claims 30-34 and 37-45 Under 35 U.S.C. § 102(e) Over Hirsch**

The Office Action rejected Claims 30-34 and 37-45 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 5,978,799, issued to Hirsch (the Hirsch patent). The Applicants respectfully traverse this rejection because the Hirsch patent fails to identically teach every element of the claim.

As discussed, independent Claims 30 and 55 each claim selection of product followed by subscription to specific subject areas. Through subscription, consumers are from time to time supplied with very narrow, targeted, advertiser supplied information pushed to one or more servers and organized into specific subject areas.

In contrast, the Hirsch patent teaches an information pull system where the supra-search engine 120 seeks out information scattered over networks, databases,

Application No. : 09/825,772  
Amdt. Dated : June 27, 2006  
Reply To O.A. Of : February 27, 2006

and the like. Such systems try to predict the information a consumer wants and pulls it toward the consumer, often inundating the consumer with unwanted advertising. Although the Hirsch patent discloses the template interface 160 where pricing information can be pushed to consumers, the Hirsch patent teaches a single query-based system trying to predict what consumers want.

Accordingly, the Hirsch patent fails to identically teach or suggest each element of independent Claims 30 and 55. Thus, the Applicants respectfully submit that independent Claims 30 and 55 are allowable over the Hirsch patent. Similarly, dependent Claims 34, 36-45 and 56-58, which dependent from Claims 30 and 55, are allowable over the Hirsch patent because of their dependency and because of the additional elements recited therein.

#### New Claims

New Claims 59-60 have been added to more fully define the Applicant's invention and are believed to be fully distinguished over the prior art of record. Specifically, Claims 59-60 make clear that to the extent information is pulled, it is done to entice advertisers push desired information, not to fill deliverables to inundate consumers with unwanted information.

#### Request For Telephone Interview

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Applicants' undersigned attorney of record hereby formally requests a telephone interview with the Examiner. The Applicants' attorney can be reached at (949) 721-2946 or at the number listed below.

BEST AVAILABLE COPY

27-Jun-2006 12:51

From-KNOBBE MARTENS OLSON BEAR

949 7609502

T-933 P.013/013 F-818

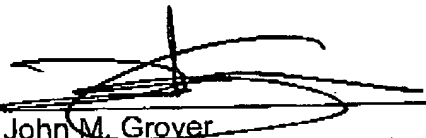
Application No. : 09/825,772  
Amdt. Dated : June 27, 2006  
Reply To O.A. Of : February 27, 2006

In addition, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 27, 2006

By:   
John M. Grover  
Registration No. 42,610  
Attorney of Record  
(949) 760-0404

2692449  
061806